

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Case No.: 09-50779  
Chapter 7

Dennis E. Hecker,

Debtor.

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**NOTICE OF HEARING AND MOTION FOR TURN OVER OF PROPERTY**

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TO: The Debtor above-named and his attorney, Barbara J. May, Attorney at Law, 2780 Snelling Avenue North, Suite 102, Roseville, MN 55113.

1. Randall L. Seaver, the Chapter 7 trustee herein, moves the Court for the relief request below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on December 8, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than December 3, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This Court has jurisdiction over this motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. § 542(e) and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this court.

6. An auction was held by the trustee to sell property of the estate on May 25, 2010. The auction was conducted by Fred W. Radde & Sons, Inc. The auction had an on-line bidding component. Those who were bidding online had to register and provide evidence of ability to

pay as a part of their qualification. The trustee has received the following information: Dennis Hecker, the debtor, participated in the online bidding through use of the name "Warehouse Merchandising." In conjunction with the qualification of "Warehouse Merchandising," Hecker provided a Visa credit card which ended in the numbers 5033. Using the name "Warehouse Merchandising" and the Visa credit card, Hecker bid online and was the successful purchaser of two items, a Yahama 50 dirt bike, for \$950, and a 2006 Harley Davidson 1250 Screaming Eagle Vrod for \$15,900. A copy of the "Proxibid - Auction Builders - Winner Bidder List" reflecting that winning bid and the Visa card is attached hereto as Exhibit A. The name of another, unrelated, successful bidder has been redacted.

7. After Hecker was apparently the successful bidder for the dirt bike and the 2006 Harley, Automotive Concepts made the actual payment to Radde for the purchase of those two items. A copy of June 11, 2010 correspondence from Radde to Automotive Concepts confirming those facts is attached as Exhibit B.

8. Dennis Hecker would have information regarding "Warehouse Merchandising" and the credit card by which Hecker apparently secured his winning bids under the name "Warehouse Merchandising" on the dirt bike and the 2006 Harley.

9. Dennis Hecker used some of the estate's Prudential Insurance funds, converted by Hecker, to purchase Western Union money orders. One such Western Union money order ending in "9134," in the amount of \$1,000, was apparently delivered by Hecker to "Golf Galaxy." Any items purchased by Hecker from Golf Galaxy using those converted funds is property of the estate. A demand has been made upon Hecker to turn over items purchased. Nothing has been turned over. The trustee seeks turn over of whatever items were purchased by Hecker using the Western Union payment to Golf Galaxy attached hereto as Exhibit C. In his

"accounting" to the trustee as ordered by this Court, Hecker did not mention any payment to Golf Galaxy.

10. The trustee demands turn over of the following:

- a. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033 used to secure or guaranty bidding for the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.
- b. Copies of all documents evidencing the ownership of "Warehouse Merchandising."
- c. Copies of all documents and information, whether by e-mail or otherwise, submitted by or on behalf of Dennis Hecker to Proxibid in order to qualify, or register for bidding.
- d. Copies of any and all agreements between, on one hand, Dennis Hecker or Warehouse Merchandising, and, on the other hand, Automotive Concepts, regarding the purchase of the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.
- e. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order attached hereto Exhibit C.

WHEREFORE, the trustee requests an order of the court requiring turn over of the following documents:

1. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033 used to secure or guaranty bidding for the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.

2. Copies of all records evidencing payment of the bills for Visa card ending in 5033.

3. Copies of all documents evidencing the ownership of "Warehouse Merchandising."

4. Copies of all documents and information, whether by e-mail or otherwise, submitted by Dennis Hecker or on behalf of Proxibid in order to qualify, or register for bidding.

5. Copies of any and all agreements between, on one hand, Dennis Hecker or Warehouse Merchandising, and, on the other hand, Automotive Concepts, regarding the purchase of the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.

6. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order attached as Exhibit C.

**LEONARD, O'BRIEN,  
SPENCER, GALE & SAYRE LTD.**

/e/ Matthew R. Burton

Dated: November 18, 2010

By: \_\_\_\_\_  
Matthew R. Burton #210018  
Attorneys for Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing notice of hearing and motion for turn over of property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Executed on November 18, 2010

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Randall L. Seaver, Trustee

430751

Click [here](#) to download information in CSV format.

**Fred W. Radde & Sons, Inc.**  
**DENNY HECKER (Bankruptcy Case # 09-50779) :**  
5/25/2010

PRIVATE & CONFIDENTIAL - This document is not intended to  
be printed or reproduced in any format.  
Winning Bidder Count: 2

Name: Warehouse Merchandising	Username: Buyer99	Paddle #: 3215
Contact Information: Phone: (612) 386-5000 Phone 2: Mobile: Fax: Email: warehousemerchandising@yahoo.com	Billing Address: Warehouse Merchandising 201 2nd street suite 120 minneapolis, MN 55401 United States	Shipping Address: Warehouse Merchandising 201 2nd street suite 120 minneapolis, MN 55401 United States
Credit Card: Visa XXXXXXXXXXXX5033 5/2012	Buyer's Premium: 10.00% Shipping & Handling: \$0.00 Misc: \$50.00 Cash Discount: 0.00%	Sub Total: \$16,850.00 Sales Tax: 0.000% <b>Total: \$18,585.00</b> Total After Discount: \$ 18,585.00
Bank: No Contact		
Lot #	Title	Hammer Price
8	Yamaha 50 dirt bike VIN JYA3PT0351A017744	\$950.00
18	2006 Harley 1250 Screaming Eagle V Rod Model VRSCSE2	\$15,900.00

Name: Warehouse Merchandising  
Username: Buyer99  
Paddle # 3215

Credit Card Submitted is under the name of Warehouse Merchandising, 201 2nd Street  
Suite 120, Minneapolis, MN 55401 (Business VISA)

Per Angie at Proxibid

EXHIBIT A

FRED W. RADDE & SONS, INC.  
POST OFFICE BOX 70  
5545 COUNTY ROAD 33  
NEW GERMANY, MN 55367-0070



OFFICE/AUCTION CENTER  
PHONE: (952) 446-1441  
FAX: (952) 446-1940  
E-MAIL: FRED@FREDRADDE.COM  
WEB SITE: WWW.FWR-AUCTIONEERS.COM

June 11, 2010

Automotive Concepts  
Attention: Catherine  
2731 Nevada Avenue North  
New Hope, MN 55427

*Subject: Denny Hecker Titles and Registrations*

Dear Catherine,

Enclosed and forwarded to you, with respect to the above referenced subject, please find two Certified Copies of the documents from the United States Bankruptcy Court District of Minnesota in reference to this case.

These documents along with the ones given to you for your purchase of the 2006 Harley 1250 Screaming Eagle V Rod and the Yamaha 50 dirt bike must be submitted to obtain clear title/registration.

If you have any questions, please call our office at 952-446-1441, or Marlene, Deputy # 70, at 952-442-4038.

Sincerely,

Fred W. Radde III  
FRED W. RADDE & SONS, INC.

FWRIII:cge

Enclosure(s)

FRED W. RADDE III, AUCTIONEER - MINNESOTA AUCTION LICENSE 10-04

EXHIBIT B

THIS IS A TRUE COPY FROM THE BUSINESS RECORDS OF WESTERN UNION FINANCIAL SERVICES

Mail Stop := M12K2 Command Center Image Source: Image List Upload Date: 2010-10-06 08:11

THE DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

WESTERN UNION ENCL

**WESTERN UNION MONEY ORDER**

**WESTERN UNION FINANCIAL SERVICES INC. - ISSUER**  
Grand Junction, Colorado Englewood, Colorado

2105 A

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**PAY EXACTLY ONE THOUSAND DOLLARS AND NO CENTS**

ORDER OF 170 July 19

~~REVIEW~~

151021004000: 4014066769134311

**SERVICE CHARGE** || This Money Order is not used or cashed (presented for payment) within one (1) year of the date of issue, there will be a non-refundable service charge applied (where permitted by law). The service charge will be deducted from the amount shown on the Money Order. The service charge is 1% per month from the date of issuance until it exceeds \$50.00 per month from the date of issuance until it exceeds forty-five dollars (\$45) (or where such charge exceeds the maximum amount permitted by law), the maximum amount permitted by law).

NOTICE Da not cash this Money Order for any Person		from whom you are not able to recover your payment, be it known FOR DEPOSIT ONLY VISA Should this item meet any unusualized signature, be it known FOR DEPOSIT ONLY VISA several days after the date of issue, failing back against any other will either order or demand return of this item to the service center, 300-999-9960. return of checks to RECEIVED SALENDROSE ABOVE THIS LINE CHECK AMOUNT: 1,000.00 AUXI CODE [REDACTED] 10-26/10 09:16 AM
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# **EXHIBIT C**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 09-50779

In re:

Dennis E. Hecker,

Debtor.

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**UNSWORN CERTIFICATE OF SERVICE**

I hereby certify that on November 18, 2010, I caused the following documents:

***Notice of Hearing and Motion for Turn Over of Property and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Dennis E. Hecker  
1615 Northridge Drive  
Medina, MN 55391

Mr. Dennis Hecker  
c/o Sherburne County Jail  
13880 Highway 10  
13880 Business Center Drive  
Elk River, MN 55330-4601

Michael B. Lubic  
10100 Santa Monica Blvd 7th Floor  
Los Angeles, CA 90067

Michael W. Malter  
Binder & Malter LLP  
2775 Park Avenue  
Santa Clara, CA 95050

Dated: November 18, 2010

/e/ Stephanie Wood

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Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Case No.: 09-50779  
Chapter 7

Dennis E. Hecker,

Debtor.

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**ORDER**

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This case is before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turn over of property of the estate.

Upon the motion and the files,

IT IS ORDERED that within 7 days from the entry of this order, the debtor shall turn over to the trustee:

1. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033.
2. Copies of all records evidencing payment of the bills for Visa card ending in 5033.
3. Copies of all documents evidencing the ownership of "Warehouse Merchandising."
4. Copies of all documents and information, whether by e-mail or otherwise, submitted by or on behalf of Dennis Hecker to Proxibid in order to qualify, or register for bidding.

5. Copies of any and all agreements between, on one hand, Dennis Hecker or Warehouse Merchandising, and, on the other hand, Automotive Concepts, regarding the purchase of the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.

6. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order ending in numbers 9134.

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United States Bankruptcy Court Judge

430753